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OFFICE OF PETITIONS

In re Application of
Allan Y. Tien
Application No. 09/539,772
Filed: March 31, 2000
Attorney Docket No. G2622-908496

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 22, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed February 24, 2004, which set a shortened statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 25, 2004.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, petitioner submitted Figure 1 and Figure 2. However, the Notice of Draftsperson's Patent

Drawing Review (PTO-948) states that Figures 1A-3B, and 4-6B margins were unacceptable. Accordingly, this application cannot be revived until corrected formal drawings have been submitted.

Further correspondence with respect to this matter should be addressed as follows:

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By fax: (703) 872-9306
 ATTN: Office of Petitions

The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed concurrently has been entered and made of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.



Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Notice Regarding Change of Power of Attorney
 Notice of Acceptance of Power of Attorney